

**From:** Strang, Carter [<mailto:Carter.Strang@TuckerEllis.com>]

**Sent:** Thursday, January 22, 2015 12:17 PM

**To:** Dettelbach, Steven M. (USAOHN)

**Subject:** Task Force/Police Encounter Education

I read your comments in today's paper re the task force addressing police/community relations.

One important part of improving relations is a focus on education. I don't know whether the task force has anyone looking into that as a focus.

As you may know, last Friday, the CMBA 3Rs lesson (taught in all CMSD and at Shaw HS 10<sup>th</sup> grade US History classes) was "Police Encounters." I drafted the lesson (I formerly taught Criminology at Shaker HS and co-authored the 3Rs curriculum) and received valuable input from the other members of our 3Rs Committee, including Marlon Primes of your office.

The lesson is attached. It was well received by the students, teachers, administrators and 3Rs volunteers. There is no reason it cannot be used in any school and does not require an attorney to teach it. It also could be part of a broader lesson that included one or more guest speakers, such as a police officer (who has community outreach experience).

Let me know if I can be of any help with the task force on the issue of education or otherwise.

**Carter E. Strang | Partner | Tucker Ellis LLP**

950 Main Avenue, Suite 1100 | Cleveland, OH 44113-7213

Direct: 216-696-3956 | Fax: 216-592-5009 | Mobile: 216-288-0593

Email: [carter.strang@tuckerellis.com](mailto:carter.strang@tuckerellis.com)

Bio: [Carter E. Strang](#) Web: [www.tuckerellis.com](http://www.tuckerellis.com)

Cleveland | Columbus | Denver | Los Angeles | San Francisco

CONFIDENTIALITY NOTICE: The documents and/or information contained in this transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.



Please consider the environment before printing this e-mail.

---

This e-mail may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and notify us immediately by return email.

## LESSON THREE: POLICE ENCOUNTERS

---

### INTRODUCTION TO LESSON

Team Captain: "We are pleased to be back with you after your winter break.

Today's lesson is about police encounters, which has been a 'hot button' topic locally and nationally.

In our small groups, we will discuss some of the rights, responsibilities, and realities of police encounters, including practical guidelines to follow if you are stopped by the police, and potential remedies for police misconduct. We want to help you avoid a misunderstanding during an encounter that might derail your career plans and/or result in bodily harm.

Let's now break into our small groups."

### SMALL GROUP DISCUSSION

"As was noted, police encounters have been in the news locally and nationally. There were riots in Ferguson, Missouri in the aftermath of the shooting of an unarmed young man by a policeman and news that state criminal charges will not be brought against the policeman. Locally, a Cleveland policeman was indicted and will now stand trial for his role in the shooting of two people in their vehicle after a long vehicle chase in 2012. And this past November, a 12-year-old boy died after a police encounter on the west side of Cleveland, which sparked rallies and protests and is currently under investigation. Finally, demonstrations occurred in New York and other U.S. cities after news that state criminal charges will not be brought against a New York policeman who choked a man during an arrest, which resulted in his death.

In all of the incidents, those who died were African-American, raising questions of whether race played a role. And in all of them, questions were also raised about the behavior of those who died when they initially encountered the police.

#### Police Street Stop Hypothetical

Let's now turn to your student worksheets and read the section titled 'Police Street Stop Hypothetical.'

[Have students take turns reading portions of the police street stop hypothetical out loud. Stop to explain any words or terms you feel need explanation. Then lead a short discussion of the questions that follow the hypothetical. Note: You are asking and giving the students the opportunity to express their opinions. We are not providing answers or opinions to the questions posed at this point.]

Let's now turn to *The Law and You*, which you have been provided with your student worksheet. *The Law and You* was developed by the NAACP, the National Organization of Black Law Enforcement Executives, and Allstate Insurance Company. It provides guidelines for young people to follow in police encounters.

[Have the students take turns reading the sections of *The Law and You* starting with the section introductory section which has a dark background, then have them continue on and read the sections titled: 'The CARDINAL rule,' 'Your basic RIGHTS and responsibilities,' and 'If you are Stopped on the STREET']

In light of the guidelines we just read, how should Iris and Pablo have acted to comply with the guidelines?"

[Discuss the fact that per the guidelines, Iris should have provided the police with her name, and should not have taken a swing at the officer or run away. The proper way to respond to any improper police behavior (such as verbal abuse) is to respond later by reporting the incident as recommended in the guidelines.]



### **Vehicle Stop Hypothetical**

Let's now read the 'Police Vehicle Stop Hypothetical' in your student worksheet. [Have students take turns reading portions of the hypothetical out loud. Stop to explain any words or terms you feel need explanation. Then lead a short discussion of the questions that follow the hypothetical. Again please note: You are asking and giving the students the opportunity to express their opinions. We are not providing answers or opinions to the questions posed, at this point.]

Let's turn again to *The Law and You* and read the section titled 'If you are STOPPED in your CAR.' [Have the students take turns reading that section out loud.]

In light of the vehicle stop guidelines we just read, how should the vehicle occupants in the have acted to comply with the guidelines? [Discuss the fact that the driver should have: 1) cooperated with the police officer as soon as he was aware the officer wanted the driver to pull over, rather than react angrily about being stopped; 2) stayed in the vehicle with his hands on the steering wheel, unless asked to exit it by the officer; 3) provided answers to basic identification questions had the officer had the opportunity to ask such questions; and 3) he should not have left the scene without the officer's permission.]

### **Three Potential Remedies to Police Misconduct**

Now let's discuss the other side of police encounters: the behavior of the police. What if the police behave improperly? How should you respond? Let's again read from *The Law & You*, at the section titled 'Officer misconduct and your RESPONSE' and 'A word of CAUTION.' [Have the students take turns reading those sections.]

Please turn back to your student worksheets to the section titled 'Three Potential Remedies to Police Misconduct.' Let's read about and discuss the remedies listed.' [Read and discuss each remedy with the students, allocating the remaining time so that you at least reference each remedy, if not the examples provided.]

*The Law & You* also provides guidelines about police encounters if law enforcement comes to your door and if you are arrested. The information is important, but because of time restraints, we will not discuss it today. We encourage you to read it later on your own.

We invite you to take your copy of *The Law and You* home and share it with your family and friends so they also know how to respond in police encounters and what to do if they are treated improperly by the police. Don't forget that in your worksheet are optional additional activities on this topic. Please check with your classroom teacher to see if you can earn extra credit for doing them.

### **Jeopardy Review**

Finally, let's play Jeopardy Review! [Play Jeopardy Review if you have sufficient time to do so. If not, consider asking the teacher do so with the class at a later time.]

We look forward to seeing you next month."



## LESSON THREE: STUDENT WORKSHEET

---

### LESSON FACTS/TERMS/CONCEPTS

Indictment; Demonstrations/Protests; Street Stop; Cardinal Rule; Wrong Crowd; Police Safety and Survival; Perspective; Approach officers as friend and not enemy; Do not bad mouth or walk/run away if stopped on the street; Vehicle Stop; If stopped, ask police "why" politely; Keep hands visible on the steering wheel when pulled over; Do not exit your vehicle; Turn on interior light when pulled over; Using these rules can help minimize potential charges and/or use of excessive force; Refusal of Consent; Indication of Guilt; Officer Misconduct; Remedies; Civil Lawsuit; Probable Cause; Consult an Attorney; Criminal Charges or Prosecution; Criminal Law; Prosecutors; Superior/Supervisory/Commanding officers; Fifth Amendment; Self incrimination; Pat-Down or Terry Search; Administrative Proceedings

### POLICE STREET STOP HYPOTHETICAL

Iris and Pablo are walking home from school. As they approach a busy intersection, Iris notices a dark brown leather wallet on the tree lawn, which Iris picks up and opens to see if there is an ID in it so it can be returned to its owner. Iris finds no ID but there is a \$20 bill in the wallet, which Iris removes and shows to Pablo.

At that moment, a police car pulls up right in front of them and two officers jump out with guns drawn yelling, "Put your arms up and get to the ground or we will shoot." Iris and Pablo do as they are told. An officer then asks Iris, "What is your name, and why did you steal the wallet?"

In response, Iris says, "I'm not telling you my name because I didn't do anything wrong," to which one of the officers says, "Shut up, you no-good punk -- we know how to deal with people like you." At that point, Iris jumps up and says: "No one calls me a punk," takes a swing at the officer, and then takes off running, with an officer in hot pursuit.

### DISCUSSION

- What do you think about the behavior of Iris, Pablo, and the police in this situation?
- Would it change your answer if you knew that the police had received a report of a robbery in the neighborhood in which a wallet was stolen and the two perpetrators were about the same age, height, and gender of Iris and Pablo? If so, why?

### VEHICLE STOP HYPOTHETICAL

Police Officer Blue is in her patrol car when she receives a report of an armed robbery of a neighborhood convenience store. The perpetrators are described as a young man and woman in dark clothing who sped away in a light blue sedan.

Officer Blue sees a light blue sedan pass by at great speed with a young man driving and a female passenger, both dressed in dark clothing.

She gives chase and pulls the sedan over. As she approaches the vehicle with her gun drawn, the driver gets out and angrily yells at her, "You're not getting any information from me. We have a right to drive in our neighborhood without being harassed by the police. I'm not going to be another victim of police brutality." The driver then jumps back into the vehicle, slams the door, and leaves the scene. The officer responds by returning to her vehicle and calling for help.

## DISCUSSION

- What do you think about the actions of those involved in the vehicle stop?
- Would your answers change if you knew that the occupants in the vehicle were simply driving home from the movies, had committed no crime, and that the driver's older brother had been killed by police after a similar encounter just a few years before? If so, why?

## THREE POTENTIAL REMEDIES TO POLICE MISCONDUCT

**Civil lawsuit:** You can hire an attorney to represent you to sue the police involved, and their employer. Typically, an attorney will take such a case on a contingency basis, meaning the attorney receives a percentage only if there is a money damages award in your favor through a settlement or judgment. An attorney with expertise in civil rights or criminal law should be considered.

*Example:* In November 2014, the city of Cleveland paid \$3 million in settlement to the families of the two adults (Timothy Russell and Malissa Williams) who were killed in East Cleveland after a massive car chase in 2012 that ended with 137 shots by city of Cleveland policemen fired into their vehicle. Each family received \$865,000 after their respective attorneys were paid.

**Criminal charges:** Criminal charges may be pursued against the police officers if the matter is brought to the attention of a prosecuting attorney who agrees that charges are warranted. Prosecuting attorneys represent the government. There is no cost to you to have them pursue charges.

*Example:* In the case referenced above (\$3 million civil settlement), criminal charges (two counts of voluntary manslaughter) have been brought against one of the police officers, who will now face trial.

**Administrative Proceedings:** A third remedy that might be pursued is the use of administrative proceedings. Cleveland and many large communities have a civilian review process to investigate claims of police misconduct. The investigation may result in suspension, demotion, and/or firing of police officers.



## LESSON THREE: OPTIONAL STUDENT ACTIVITIES

---

1. The additional use of cameras during police encounters has been advocated by some as a way to better document problematic encounters. Body cameras are now available that police can wear that would document encounters. Further explore this technology and draft an essay that discusses the pros and cons of their use and then take a position on whether their use should be mandated. Consider making your position known to your local police department and/or city council.
2. Research the police policies in your community that cover automobile chases, automobile stops, and the use of deadly force during them. What are the policies and do you agree with them? Why or why not? What alternative policies would you propose, if any? Are there any nationally recognized guidelines and if so, do they compare to those in your city? What are your thoughts about any such national guidelines?
3. Interview a police officer regarding his/her job, including police encounters with citizens, a "Terry Stop," an automobile stop, a domestic dispute, and an arrest. Include in your interview questions about the officer's background, reasons for becoming an officer, and likes/dislikes about the job.
4. Research police encounters that have resulted in claims of excessive force, including: 1) the Ferguson, Missouri situation; 2) the 2012 Cleveland Police shooting of Russell and Wilson after a long car chase; 3) the recent shooting of 12-year-old Tamir Rice on the west side of Cleveland; and/or 4) the New York City death of Eric Garner who died after being put in a choke hold during his arrest. What happened? Identify what is known and unknown at this point. What are objective and subjective facts? What are opinions and what are facts? What does the police department say happened? What do those who feel the shooting was unjustified say happened? What were the police encounter policies in place and were they followed? What civil and criminal charges could or have been brought against the officer(s) involved? Any resolution to date and if so, what was the resolution? What are your thoughts regarding what happened, and what if any action(s) should be taken against the officer(s)? Compare and contrast the incidents, noting similarities and differences.
5. Research public opinion polls regarding police citizen encounters. What do the most recent polls show? How can age, gender, race, and other factors account for any differences shown in the polls of those interviewed? Poll your classmates, teachers, and school administrators, asking the same questions. Before starting, determine how to properly conduct a poll so that it is a representative sample of those questioned. With the poll you conducted, what differences do you find by age, gender, race, or other factors? Are your results similar or different than the national polls? Why or why not?



6. Research police questioning/interrogation during the types of police encounters referenced in *The Law and You*. What information must be provided to the police? Section 2921.29 of the Ohio Revised Code addresses the issue and requires some basic information be shared and in what context. What is that information and what context? Name, address, ID? Anything beyond that? Must you answer all of the police officer's questions? What if your response to the questions might incriminate you? What if your response could incriminate someone else? At which point can you/should you exercise your Fifth Amendment right to not incriminate yourself, and how do you do so properly? What are the rules about when you can end police questioning? How can you determine when that point is reached and how can you/should you tell the police you want to leave? Does Ohio's law align with the U.S. Supreme Court's decision in *Kolender v. Lawson* (a 1983 case where a man refused to provide basic identification information and alleged the police questioning was unconstitutional)?
7. Organize a meeting between law enforcement and students to discuss police/juvenile encounters. Consider use of neighborhood centers or your school (if at school, coordinate this through your principal).
8. Do a report on the city of Cleveland Office of Professional Standards and Civilian Police Review Board, referenced as a remedy in your worksheet. How does the process work, does it work properly in your opinion, and would you recommend that citizens utilize it? If it is not working properly in your opinion, what changes are necessary so that it does? Do other cities have similar programs and are there aspects of their systems Cleveland should consider?
9. President Obama and the U.S. Justice Department have made several proposals in light of the police encounter incidents we discussed. What are they? Do you agree or disagree with them and if so why or why not?
10. Police encounter guidelines have also been published by the American Civil Liberties Union (ACLU), the Criminal Defense Attorney's Association, as well as police and related organizations. Research these guidelines and list what the differences are among them. Why do you think those differences exist? What would you change?



# JEPARDY!

10	10	10	10
A "Cardinal Rule" of avoiding negative run-ins with the police is to stay out of trouble and not hang with the _____ crowd.	If stopped or detained, politely and in a non-confrontational tone ask the officer _____.	If you are stopped in your car by the police, keep your hands visible by placing them on the _____.	Do not _____ your vehicle unless asked by the police to do so.
[Wrong or bad]	[Why]	[Steering wheel]	[Exit or leave]
20	20	20	20
If confronted by the police, approach the officer as a friend not a(n) _____.	Turn the _____ light on if stopped in your car by police at night.	A _____ is when the police talk with or question a civilian in public, away from their home or car.	If stopped on the street by the police, do not "bad mouth" or _____ away, even if you feel you were wrongly stopped.
[Enemy]	[Interior or dome light]	[Street stop]	[Walk or run]
30	30	30	30
Because many officers are killed each year in what they thought were simply routine encounters with citizens, they are trained to and do place a great deal of emphasis on their safety and _____.	Your priority as a civilian stopped by police should be to alleviate or minimize the potential charges and/or use of _____ force against you.	A refusal to consent to a breath, blood, or performance test may be interpreted as an indication of _____.	This is a remedy for police misconduct where you hire an attorney and who seeks money damages on your behalf.
[Survival]	[Excessive]	[Guilt]	[Civil suit or civil lawsuit]
40	40	40	40
Your car can be searched without a search warrant if a policeman officer has _____.	You should consult a(n) _____ if you think you have been treated improperly by the police.	This is a remedy for police misconduct where the government prosecutes an officer and can seek a jail sentence for the officer's misconduct.	If a police officer behaves inappropriately, report it to a(n) _____ officer at a later time.
[Probable cause]	[Attorney or lawyer]	[Criminal or criminal law]	[Superior, supervisory, or commanding]
50	50	50	50
You don't have to give testimony against yourself because you have _____ Amendment rights against self-incrimination.	If an officer has reasonable suspicion you may be carrying a weapon, you may be subject to a _____ search.	This is a remedy for police misconduct where you file a complaint with the police department or civilian review board requesting an internal investigation.	This person represents the government in bring charges against police officers who may have committed a crime during a police encounter.
[Fifth]	[Pat-down or Terry search]	[Administrative]	[Prosecutor or prosecuting attorney]



## LESSON THREE: STUDENT WORKSHEET

---

### LESSON FACTS/TERMS/CONCEPTS

Indictment; Demonstrations/Protests; Street Stop; Cardinal Rule; Wrong Crowd; Police Safety and Survival; Perspective; Approach officers as friend and not enemy; Do not bad mouth or walk/run away if stopped on the street; Vehicle Stop; If stopped, ask police "why" politely; Keep hands visible on the steering wheel when pulled over; Do not exit your vehicle; Turn on interior light when pulled over; Using these rules can help minimize potential charges and/or use of excessive force; Refusal of Consent; Indication of Guilt; Officer Misconduct; Remedies; Civil Lawsuit; Probable Cause; Consult an Attorney; Criminal Charges or Prosecution; Criminal Law; Prosecutors; Superior/Supervisory/Commanding officers; Fifth Amendment; Self incrimination; Pat-Down or Terry Search; Administrative Proceedings

### POLICE STREET STOP HYPOTHETICAL

Iris and Pablo are walking home from school. As they approach a busy intersection, Iris notices a dark brown leather wallet on the tree lawn, which Iris picks up and opens to see if there is an ID in it so it can be returned to its owner. Iris finds no ID but there is a \$20 bill in the wallet, which Iris removes and shows to Pablo.

At that moment, a police car pulls up right in front of them and two officers jump out with guns drawn yelling, "Put your arms up and get to the ground or we will shoot." Iris and Pablo do as they are told. An officer then asks Iris, "What is your name, and why did you steal the wallet?"

In response, Iris says, "I'm not telling you my name because I didn't do anything wrong," to which one of the officers says, "Shut up, you no-good punk -- we know how to deal with people like you." At that point, Iris jumps up and says: "No one calls me a punk," takes a swing at the officer, and then takes off running, with an officer in hot pursuit.

### DISCUSSION

- What do you think about the behavior of Iris, Pablo, and the police in this situation?
- Would it change your answer if you knew that the police had received a report of a robbery in the neighborhood in which a wallet was stolen and the two perpetrators were about the same age, height, and gender of Iris and Pablo? If so, why?

### VEHICLE STOP HYPOTHETICAL

Police Officer Blue is in her patrol car when she receives a report of an armed robbery of a neighborhood convenience store. The perpetrators are described as a young man and woman in dark clothing who sped away in a light blue sedan.

Officer Blue sees a light blue sedan pass by at great speed with a young man driving and a female passenger, both dressed in dark clothing.

She gives chase and pulls the sedan over. As she approaches the vehicle with her gun drawn, the driver gets out and angrily yells at her, "You're not getting any information from me. We have a right to drive in our neighborhood without being harassed by the police. I'm not going to be another victim of police brutality." The driver then jumps back into the vehicle, slams the door, and leaves the scene. The officer responds by returning to her vehicle and calling for help.

## DISCUSSION

- What do you think about the actions of those involved in the vehicle stop?
- Would your answers change if you knew that the occupants in the vehicle were simply driving home from the movies, had committed no crime, and that the driver's older brother had been killed by police after a similar encounter just a few years before? If so, why?

## THREE POTENTIAL REMEDIES TO POLICE MISCONDUCT

**Civil lawsuit:** You can hire an attorney to represent you to sue the police involved, and their employer. Typically, an attorney will take such a case on a contingency basis, meaning the attorney receives a percentage only if there is a money damages award in your favor through a settlement or judgment. An attorney with expertise in civil rights or criminal law should be considered.

*Example:* In November 2014, the city of Cleveland paid \$3 million in settlement to the families of the two adults (Timothy Russell and Malissa Williams) who were killed in East Cleveland after a massive car chase in 2012 that ended with 137 shots by city of Cleveland policemen fired into their vehicle. Each family received \$865,000 after their respective attorneys were paid.

**Criminal charges:** Criminal charges may be pursued against the police officers if the matter is brought to the attention of a prosecuting attorney who agrees that charges are warranted. Prosecuting attorneys represent the government. There is no cost to you to have them pursue charges.

*Example:* In the case referenced above (\$3 million civil settlement), criminal charges (two counts of voluntary manslaughter) have been brought against one of the police officers, who will now face trial.

**Administrative Proceedings:** A third remedy that might be pursued is the use of administrative proceedings. Cleveland and many large communities have a civilian review process to investigate claims of police misconduct. The investigation may result in suspension, demotion, and/or firing of police officers.



## LESSON THREE: OPTIONAL STUDENT ACTIVITIES

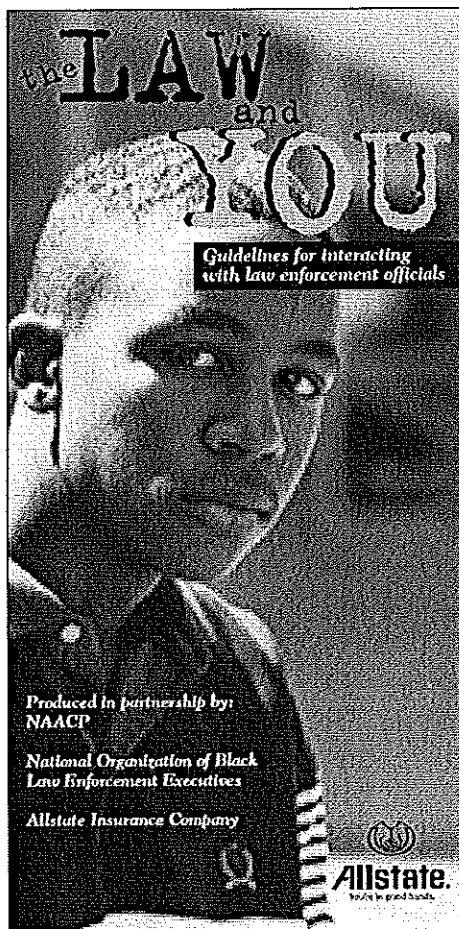
---

1. The additional use of cameras during police encounters has been advocated by some as a way to better document problematic encounters. Body cameras are now available that police can wear that would document encounters. Further explore this technology and draft an essay that discusses the pros and cons of their use and then take a position on whether their use should be mandated. Consider making your position known to your local police department and/or city council.
2. Research the police policies in your community that cover automobile chases, automobile stops, and the use of deadly force during them. What are the policies and do you agree with them? Why or why not? What alternative policies would you propose, if any? Are there any nationally recognized guidelines and if so, do they compare to those in your city? What are your thoughts about any such national guidelines?
3. Interview a police officer regarding his/her job, including police encounters with citizens, a "Terry Stop," an automobile stop, a domestic dispute, and an arrest. Include in your interview questions about the officer's background, reasons for becoming an officer, and likes/dislikes about the job.
4. Research police encounters that have resulted in claims of excessive force, including: 1) the Ferguson, Missouri situation; 2) the 2012 Cleveland Police shooting of Russell and Wilson after a long car chase; 3) the recent shooting of 12-year-old Tamir Rice on the west side of Cleveland; and/or 4) the New York City death of Eric Garner who died after being put in a choke hold during his arrest. What happened? Identify what is known and unknown at this point. What are objective and subjective facts? What are opinions and what are facts? What does the police department say happened? What do those who feel the shooting was unjustified say happened? What were the police encounter policies in place and were they followed? What civil and criminal charges could or have been brought against the officer(s) involved? Any resolution to date and if so, what was the resolution? What are your thoughts regarding what happened, and what if any action(s) should be taken against the officer(s)? Compare and contrast the incidents, noting similarities and differences.
5. Research public opinion polls regarding police citizen encounters. What do the most recent polls show? How can age, gender, race, and other factors account for any differences shown in the polls of those interviewed? Poll your classmates, teachers, and school administrators, asking the same questions. Before starting, determine how to properly conduct a poll so that it is a representative sample of those questioned. With the poll you conducted, what differences do you find by age, gender, race, or other factors? Are your results similar or different than the national polls? Why or why not?



6. Research police questioning/interrogation during the types of police encounters referenced in *The Law and You*. What information must be provided to the police? Section 2921.29 of the Ohio Revised Code addresses the issue and requires some basic information be shared and in what context. What is that information and what context? Name, address, ID? Anything beyond that? Must you answer all of the police officer's questions? What if your response to the questions might incriminate you? What if your response could incriminate someone else? At which point can you/should you exercise your Fifth Amendment right to not incriminate yourself, and how do you do so properly? What are the rules about when you can end police questioning? How can you determine when that point is reached and how can you/should you tell the police you want to leave? Does Ohio's law align with the U.S. Supreme Court's decision in *Kolender v. Lawson* (a 1983 case where a man refused to provide basic identification information and alleged the police questioning was unconstitutional)?
7. Organize a meeting between law enforcement and students to discuss police/juvenile encounters. Consider use of neighborhood centers or your school (if at school, coordinate this through your principal).
8. Do a report on the city of Cleveland Office of Professional Standards and Civilian Police Review Board, referenced as a remedy in your worksheet. How does the process work, does it work properly in your opinion, and would you recommend that citizens utilize it? If it is not working properly in your opinion, what changes are necessary so that it does? Do other cities have similar programs and are there aspects of their systems Cleveland should consider?
9. President Obama and the U.S. Justice Department have made several proposals in light of the police encounter incidents we discussed. What are they? Do you agree or disagree with them and if so why or why not?
10. Police encounter guidelines have also been published by the American Civil Liberties Union (ACLU), the Criminal Defense Attorney's Association, as well as police and related organizations. Research these guidelines and list what the differences are among them. Why do you think those differences exist? What would you change?





Today's headlines are full of stories detailing encounters between law enforcement officials and young people. Unfortunately, some of these stories do not have happy endings. While most officers of the law have standard procedures to follow, most young people do not. As a result, there is often a breakdown in communication between law enforcement officials and young adults.

In a collaborative effort, the National Association for the Advancement of Colored People (NAACP), the National Organization of Black Law Enforcement Executives (NOBLE) and Allstate Insurance Company have joined together to develop "The Law and You: Guidelines for Interacting with Law Enforcement Officials." This guide offers suggested procedures to follow if you are stopped by a police officer or law enforcement official, regardless of the reason. These suggestions should be used as guidelines until professional legal advice and guidance can be obtained.

## the CARDINAL rule



The easiest way to avoid negative run-ins with law enforcement officials is simply to stay out of trouble. If you hang out with the wrong crowd, you increase your chances of being approached by officers in

pursuit of those suspected of, or associated with, criminal activities. If confronted by law enforcement, approach the officer as you would a friend, not an enemy.

**REMEMBER, THE FIRST WORDS SPOKEN BY EITHER THE OFFICER(S) OR THE CITIZEN(S) INVOLVED MAY VERY WELL DETERMINE THE TONE OF THE ENCOUNTER AND EVEN THE EVENTUAL OUTCOME.**

Law enforcement is both a difficult and dangerous profession. Many police officers are killed each year and thousands more are injured. Police are trained to place a great deal of emphasis on their safety and survival. In some instances, the safety procedures that officers use may appear offensive and unnecessary to citizens. However, police know that even the most routine stop for a traffic violation has the potential for danger. Consequently, the officers may maintain a defensive posture until they believe that the risk of

confrontation or injury is diminished. As a result, there is sometimes a breakdown in communication between law enforcement officials and the public, especially young adults. If you are stopped, questioned or detained by a law enforcement official, approach him or her with respect, not disrespect. It is in your best interest to cooperate with the law enforcement official, even if you feel as though you are being unjustly stopped or questioned. Retain your composure and conduct yourself in a mature manner. Avoid any action or language that might trigger a more volatile situation, possibly endangering your life or personal well-being.

## your basic RIGHTS and responsibilities

Your basic rights and responsibilities may not always be clearly defined by law enforcement officials. If stopped or detained, politely ask the officer "why" in a manner that is not confrontational. Remember, your priority should be to alleviate or minimize the potential charges and/or use of excessive force against you. In some states, there are no clear statutes or laws which delineate the use of deadly force by law enforcement officials. In these instances, the courts will decide, on a case-by-case basis, what is considered deadly or excessive force.



## if you are STOPPED on the STREET

- ☛ Answer all questions. Your answers should be factual to the best of your knowledge.
- ☛ Remember, you are not required to give testimony against yourself. You have Fifth Amendment rights.
- ☛ Do not "bad mouth" or walk away from law enforcement officials, even in instances where you feel they are wrong. If the police officer behaves inappropriately, report his or her misconduct to a superior officer at a later time.
- ☛ If an officer has a "reasonable suspicion" that you may be carrying a weapon or illegal substance, you may be subjected to a "pat-down" search. Do not resist the search. Obey all requests made of you unless the request poses a risk to your personal safety or well-being. In that case, ask for a meeting with the officer's supervisor.

## if you are STOPPED in your CAR

- ☛ Slow down; pull over safely when you can. If the police vehicle is unmarked and you cannot identify the driver as a uniformed police officer, drive below the speed limit to a well-lit, populated spot and then pull over.



- ☛ Stay in the driver's seat with both hands in sight on the steering wheel. Do not exit your car unless asked to do so. Getting out of your car can be perceived as aggressive behavior and a threat to the officer's safety.

Turn on your interior light if stopped at night.

- ☛ Comply with the officer's request to see your driver's license and/or registration. If they are in the glove box or under the seat, state that and then retrieve them slowly.
- ☛ If the officer has "probable cause," your car can be searched without a court-issued warrant. If you are the driver and/or owner of the car and do not want your vehicle searched, clearly inform the officer of your non-consent in a polite manner.
- ☛ If you are issued a ticket, sign it. Signing a ticket is not an admission of guilt — only an acknowledgment of receiving the ticket. However, refusal to sign a ticket could result in your being arrested and facing additional charges.
- ☛ If you are suspected of drunk driving, cooperate with the officer(s) on the scene. If you refuse to submit to breath, blood or performance tests, your refusal may be interpreted as an indication of guilt in later court proceedings. This could result in loss of driving privileges and/or heavy fines.
- ☛ Get out of the automobile if asked to do so.
- ☛ Most officers will not provide specific reasons for the stop until they have your license and registration in hand. Therefore, they will avoid having to debate the reason for the stop before they receive these items from you.

Continued on back

✦ If you wish to offer an explanation of your circumstances when stopped, do so before the officer returns to his vehicle. The officer cannot void the ticket once it has been written. If you believe you have been treated unfairly, present your case in traffic court and not to the officer along the roadside.

## if LAW enforcement comes to your door

✦ First, make sure each individual is really a law enforcement representative by requesting to see a badge and/or identification card. Be pleasant but serious.

✦ Make sure the officers are at the correct house by asking, "How can I help you?" and/or "What brings you to my residence?" They should have a warrant, be actively investigating a crime, or be in "hot pursuit" of an individual suspected of committing a crime and running into your house. If the officers do not have a warrant or are not in hot pursuit, you can deny entry.

✦ Determine the type of warrant — body or search. A body warrant means that the officers are

seeking an individual and, therefore, cannot search drawers and places not large enough for an individual to hide. A search warrant allows officers to search all places in which the items listed on the warrant can be hidden.



## if YOU are ARRESTED

✦ When you are taken into custody, make sure that your house or car is secure.

✦ Make sure you have been informed as to why you are being arrested.

NOTE: A lawyer should be called as soon as possible. The advice of an attorney is extremely important early in the process.

✦ Under no circumstances should you make incriminating statements which might be used against you at a later time.

✦ In most states, you must be taken before a judge, magistrate, constable or court commissioner within 24 hours of your arrest. You should secure legal representation before this initial court appearance.

✦ Ask to telephone your parent, guardian, or lawyer immediately. You have the right to make one phone call to the person of your choice; use it. You also have the right to privacy during the call. If this right is denied, do not cause a confrontation that might result in additional charges being filed against you.

✦ You should always have the number of a lawyer or a person you can rely on to get you an attorney if your lawyer is unavailable. Keep a record of that number, as well as the name and number of a lawyer from the local Public Defender's office, in your wallet or purse.



## officer misconduct and your RESPONSE

✦ Law enforcement misconduct is loosely defined as "improper and/or illegal action(s) and/or conduct by an officer." Some of the more frequent types of misconduct are:

- Physical Abuse — slaps, kicks, punches, choke-holds, beatings, flashlight and night stick blows, tight handcuffs, unnecessary use of firearms
- Verbal Abuse — name calling, use of racial slurs

✦ The best way to avoid officer misconduct is to not provoke the officers while having a discussion about law enforcement matters. Showing off for friends and family will only get you arrested and possibly injured. Comply first and then seek an explanation from the officer or his/her supervisor later.

✦ Innocent individuals are often offended, angered, or both as a result of being detained by an officer for questioning. Although the delay might be inconvenient for you, the officer believes that there is a reason (probable cause) to stop you and ask questions. Examples of probable cause might include questioning about a crime or incident which occurred recently in the area, someone placing a complaint about your



presence, or suspicious activity. The police officer usually does not want to detain you any longer than necessary. A few minutes of cooperation will speed up the process and get you on your way.



✦ Do not resist arrest for any reason.

✦ Control your emotions.

✦ Do not make threatening motions or statements to the officers talking to you.

✦ Never attempt to interfere with the arrest of others who may be with you.

✦ Always note the name of the officers with whom you come in contact.

✦ Report cases of officer misconduct immediately following your release from police custody.

✦ Record, document and describe any case of officer misconduct in a typewritten statement. Have your summary of the incident notarized within 72 hours of its occurrence.

## a word of CAUTION

Laws and law enforcement procedures may vary from state to state. You should consult an attorney or law enforcement representative who is familiar with the laws in your state.

For more information or to obtain additional copies of this brochure, contact:

National Association for the Advancement of Colored People  
4805 ML Hope Drive  
Baltimore, MD 21215  
Ph. (410) 358-5900



Julian Bond, Chairman.  
NAACP National Board of Directors  
Kweisi Mfume, President and CEO, NAACP  
Leroy W. Warren, Jr., Chairman, Criminal Justice Committee, National Board of Directors

National Organization of Black Law Enforcement Executives  
4609 Pinecrest Office Park Drive, Suite F  
Alexandria, VA 22312-1442  
Ph. (703) 658-1529



Robert Stewart, Executive Director  
Doris Bey, Director, Training and Education  
Chester White, Director, Communication

Allstate Insurance Company  
C/O A-Three Services  
P.O. Box 3173  
Northbrook, IL 60065-3173  
Ph. 1-888-505-ANPP



L2999-2